

ASSEMBLY, No. 755

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Establishes special dredging account; directs \$5,000,000 of sales tax collected annually be deposited therein; directs DEP to administer account and dredging program with certain requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the dedication of a certain portion of State sales
2 tax revenues for the dredging of certain inland waterways and
3 supplementing P.L.1966, c.30 and Title 12 of the Revised
4 Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. Commencing on July 1, 2000, there shall annually be
10 deposited in a special dredging account, established pursuant to
11 section 3 of P.L. , c. (C.) (now pending before the
12 Legislature as this bill) and named therein as the "The Community
13 and Navigational Waterways Restorative and Maintenance
14 Dredging Account," the sum of \$5,000,000 of the tax collected
15 annually pursuant to P.L.1966, c.30, provided however, that the
16 dedication and use of those monies shall be subject and subordinate
17 to the appropriation of revenues from taxes in order to provide the
18 ways and means to pay the principal and interest on bonds of the
19 State and the dedication of sales tax collections pursuant to Article
20 VIII, Section II, paragraph 7 of the New Jersey Constitution.

21
22 2. The Legislature finds and declares that in recent years
23 essentially no funding has been available for dredging projects of
24 navigational waters outside of the New York-New Jersey port
25 region; that the "Port of New Jersey Revitalization, Dredging,
26 Environmental Cleanup, Lake Restoration, and Delaware Bay Area
27 Economic Development Bond Act of 1996," P.L.1996, c.70,
28 provided \$185,000,000 to the port region for dredging projects and
29 \$20,000,000 provided for non-port region dredging projects, but
30 while the majority of the \$185,000,000 has been appropriated for
31 port region dredging projects, the majority of the non-port region
32 dredging monies have been held for the Delaware River deepening
33 project; that although the Delaware River deepening project is an
34 important and necessary dredging project, other waterways require
35 attention on an ongoing basis; that it is also important to maintain
36 other navigable waterways for the sake of the \$27 billion tourism
37 industry in the State, of which recreational and commercial boating
38 businesses are a vital part; that a number of waterways in the State
39 are not officially designated as navigational waters but are used as
40 navigational waterways to access residences by boat in coastal
41 communities; that special attention is required for these waterways
42 and navigational waters in the State if the waters are to be used for
43 transportation by a large number of our residents, for practical and
44 recreational purposes, are not to become impassable; that the
45 designated navigational waters in the State involve hundreds of
46 thousands of miles of waterways that require dredging on a regular
47 basis; that a stable source of funding for non-port region dredging
48 projects is required if damage is to be reversed and avoided in the

1 future; and that sufficient monies are collected from sales tax on
2 sales of boats, canoes, kyacks, power vessels, personal watercraft
3 (jet skis), motor boat engines, boat trailers and other recreational
4 boating and personal watercraft supplies and equipment to provide
5 such a stable source.

6 The Legislature therefore determines it is altogether fitting a
7 proper for the State to dedicate a portion of sales tax revenues
8 collected to a special dredging account to fund the dredging of
9 waterways in the State outside of the port region, including, but not
10 limited to, the restorative and maintenance dredging of waterways
11 in the State that may not be officially designated as navigational
12 waters by the Department of Environmental Protection but provide
13 boat access from open water to residential dwelling units in coastal
14 areas.

15
16 3. a. There is established in the Department of Environmental
17 Protection a special dredging account to be known as the "The
18 Community and Navigational Waterways Restorative and
19 Maintenance Dredging Account," and referred to herein as the
20 "special dredging account." The special dredging account shall be
21 separate from the General Fund and the Department of
22 Environmental Protection shall administer the account. The portion
23 of monies collected pursuant to P.L.1966, c.30 that are deposited
24 into the special dredging account pursuant to section 1 of P.L. ,
25 c. (C.) (now pending before the Legislature as this bill) shall
26 be used by the department exclusively for the purposes and in the
27 manner provided in subsection b. of this section.

28 b. The monies deposited in the special dredging account shall
29 be used exclusively for the purposes of funding the dredging of
30 waterways in the State outside of the port region as defined in
31 section 2 of P.L.1997, c.97 (C.12:6B-2). The funding may be used
32 for the dredging of navigational waters in the State, or the
33 restorative and maintenance dredging of waterways in the State that
34 may not be officially designated as navigational waters by the
35 Department of Environmental Protection but provide boat access
36 from open water to residential dwelling units in coastal areas;
37 provided that no less than one quarter of the monies deposited in the
38 account shall be allocated by the Department of Environmental
39 Protection to the restorative and maintenance dredging of
40 waterways in the State that provide boat access from open water to
41 residential dwelling units in coastal areas.

42 c. Within the 180 days after the effective date of this act, the
43 Department of Environmental Protection shall establish a list of all
44 navigational waters and waterways eligible for funding from the
45 special dredging account pursuant to the provisions of subsection b.
46 of this section, and a prioritized project list of the dredging projects
47 to be funded. Thereafter, the department shall update the lists
48 annually. When establishing and updating the lists, the Department

1 of Environmental Protection shall apply the broadest criteria in
2 determining the eligibility of projects for funding pursuant to the
3 requirements of subsection b. of this section, and shall solicit input
4 concerning areas, projects and waterways that should be included in
5 the lists from counties, municipalities, residential community
6 organizations in coastal areas, and any task force concerning lagoon
7 communities that may have been established. Whenever a county,
8 municipality, residential community, or task force recommends an
9 area, waterway or project for the lists that is eligible for funding
10 pursuant to the requirements of subsection b. of this section, the
11 area, waterway or project shall be included in the lists.

12 d. Each January after the establishment of the lists pursuant to
13 subsection c. of this section, the Department of Environmental
14 Protection shall submit to the Governor and the Legislature the lists
15 established and updated pursuant to subsection c. of this section,
16 and a list of the projects and their cost funded in the previous
17 calendar year and a list of the projects and their cost projected to be
18 funded in the current calendar year.

19

20 4. This act shall take effect as of July 1, 2000, except that the
21 State Treasurer and the Commissioner of Environmental Protection
22 are authorized to take any action necessary immediately, including
23 the adoption of rules or regulations pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to
25 implement the act in a timely manner.

26

27

28 STATEMENT

29

30 This bill dedicates \$5,000,000 from sales tax revenues to a
31 special dredging account, created in this bill and named the "The
32 Community and Navigational Waterways Restorative and
33 Maintenance Dredging Account," for the purposes of funding the
34 dredging of waterways in the State outside of the port region. More
35 specifically, the monies are to be used for the dredging of
36 navigational waters in the State, or the restorative and maintenance
37 dredging of waterways in the State that may not be officially
38 designated as navigational waters by the Department of
39 Environmental Protection but provide boat access from open water
40 to residential dwelling units in coastal areas. The bill requires that
41 no less than one quarter of the monies deposited in the account shall
42 be allocated by the Department of Environmental Protection to the
43 restorative and maintenance dredging of waterways in the State that
44 provide boat access from open water to residential dwelling units in
45 coastal areas.

46 The bill further requires that the Department of Environmental
47 Protection establish then annually update a list of eligible
48 waterways in the State and a prioritized list of the dredging

1 projects. The bill requires the Department of Environmental
2 Protection to be as broad as possible in determining eligibility and
3 to seek out and include recommendations from counties,
4 municipalities, residential communities, or any task force
5 concerning lagoon communities that may be established. Finally,
6 the bill requires the Department of Environmental Protection to
7 submit to the Governor and Legislature the eligible waterways and
8 prioritized project lists, a list of the projects and their cost funded in
9 the previous calendar year, and a list of the projects and their cost
10 projected to be funded in the current calendar year.

11 The "Port of New Jersey Revitalization, Dredging,
12 Environmental Cleanup, Lake Restoration, and Delaware Bay Area
13 Economic Development Bond Act of 1996," P.L.1996, c.70,
14 provided \$185,000,000 to the port region for dredging projects but
15 the majority of \$20,000,000 provided for non-port region dredging
16 projects has been held for the Delaware River deepening project,
17 leaving essentially no funding for any dredging projects outside of
18 the port region. Each year, substantial sales tax revenues are
19 collected on sales of boats, powered personal watercraft (jet skis),
20 motor boat engines, boat trailers and other recreational boating and
21 powered personal watercraft supplies and equipment, and the
22 Legislature finds it appropriate to use these revenues for
23 maintaining the waterways on which the vessels, supplies and
24 equipment were sold to be used.